

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001 :

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: **1:03 MDL 1570 (GBD) (SN)**

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**This Document Relates to
Ray, et al. v. Iran, et al.,
1:19-cv-00012 (GBD)(SN)**

MOTION TO REQUEST THE ISSUANCE OF LETTERS ROGATORY

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001 :

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This Document Relates to
Ray, et al. v. Iran, et al.,
1:19-cv-00012 (GBD)(SN)

REQUEST FOR INTERNATIONAL JUDICIAL
ASSISTANCE (LETTERS ROGATORY) FOR THE SERVICE
OF JUDICIAL DOCUMENTS IN A CIVIL MATTER BY THE UNITED
STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

The United States District Court for the Southern District of New York (the “Court”) presents its compliments to the appropriate judicial authority of the Islamic Republic of Iran (“Iran”) and requests international judicial assistance to obtain service of the Second Amended Complaint and accompanying documents. This Court respectfully requests that the Islamic Republic of Iran recognize letters rogatory from this Court, in the interest of comity.

I. REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE

A. Sender

The Honorable Sarah Netburn, United States Magistrate Judge for the Southern District of New York, by the authority of the Honorable George B. Daniels, United States District Judge for the Southern District of New York, United States of America, is the Sender.

B. Receiving Authority

The Receiving Authority is the appropriate judicial authority for the Islamic Republic of Iran in Tehran, Iran.

II. LETTERS ROGATORY REQUIREMENTS

A. Request for Assistance

This Court requests the assistance described herein as necessary in the interests of justice. The assistance requested is that the appropriate judicial authority of Iran effect service of process of the following documents, including translations of each document into Farsi and affidavits of the translators:

- (1) Cover Letter to Mohammad Javad Zarif, Foreign Minister of the Islamic Republic of Iran;
- (2) Second Amended Complaint, dated May 6, 2019 (*Ray* Docket No. 139);
- (3) Notice of Suit, pursuant to 22 C.F.R. 93.2, dated May 10, 2019, along with the text of FSIA, 28 U.S.C. § 1602, *et seq.*; and,
- (4) Amended Summons.

The Court requests that the below named individuals and entities be served with the Second Amended Complaint and accompanying documents relevant to service of this litigation, in both English and Farsi:

- (1) Ayatollah Ali Hoseini-Khamenei, Supreme Leader of Iran;
- (2) Estate of Ali Akbar Hashemi Rafsanjani, Deceased, former Chairman, Expediency Discernment Counsel and former President of Iran;
- (3) National Iranian Oil Company;
- (4) National Iranian Tanker Company;
- (5) National Iranian Gas Company;

- (6) National Iranian Petrochemical Company;
- (7) Iran Airlines a/k/a Iran Air; and,
- (8) Hezbollah.

B. Requesting Judicial Authority

The Honorable George B. Daniels
United States District Court
for the Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 630
New York, New York 10007-1312

C. Receiving Judicial Authority

For service upon:

The appropriate judicial authority of Iran, and/or:

H.E. Mohammad Javad Zarif
Ministry of Foreign Affairs
Imam Khomeini Street
Tehran
Islamic Republic of Iran
Tel: 009821 61151
Fax: 009821 66743149

D. Names and Addresses of the Parties and Their Representatives

1. Plaintiffs

Plaintiffs in this lawsuit, *Ray, et. al v. Iran, et al.*, are family members of those killed as a result of the terrorist attacks of September 11, 2001. The *Ray* Plaintiffs brought this action pursuant to the state sponsor of terrorism exception to sovereign immunity codified at 28 U.S.C. §1605A.

2. Plaintiffs' Representatives

The family members of victims of the terrorist attacks of September 11, 2011 are represented by counsel. For purposes of this Letter Rogatory, Plaintiffs have appointed the following attorneys to serve as their representatives:

Timothy B. Fleming (DC Bar No. 351114)
WIGGINS CHILDS PANTAZIS
FISHER GOLDFARB PLLC
1211 Connecticut Avenue, N.W.
Suite 420
Washington, D.C. 20036
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Dennis G. Pantazis (AL Bar No. ASB-2216-A59D)
WIGGINS CHILDS PANTAZIS (*Lead Counsel*)
FISHER GOLDFARB LLC
The Kress Building
301 19th Street North
Birmingham, AL 35203
(205) 314-0500

Richard D. Hailey (IN Bar No. 7375-49)
Mary Beth Ramey (IN Bar No. 5876-49)
RAMEY & HAILEY
3905 Vincennes Road #303
Indianapolis, IN 46268
(317) 582-0000

Robert M. Foote (IL Bar No. 03124325)
FOOTE, MIELKE, CHAVEZ
& O'NEIL, LLC
10 West State Street, Suite 200
Geneva, IL 60134
(630) 232-7450

Attorneys for all of the Ray Plaintiffs

and

Robert A. O'Hare Jr. (New York Bar No. 2601359)
Andrew C. Levitt (New York Bar No. 2734465)
O'HARE PARNAGIAN LLP
82 Wall Street, Suite 300
New York, NY 10005
(212) 425-1401

Co-Counsel for Plaintiffs Anthony Behette; Harley DiNardo; Ester DiNardo; Pio DiNardo; Andrew Economos, Individually; Andrew Economos, as Co-Executor of the Estate of Leon Economos; Olga Valinotti, Individually; Olga Valinotti, as Co-Executor of the Estate of Leon Economos; Constance Finnicum; George Gabrielle a/k/a Gabe Gabrielle; Mary Ellen Murach, Individually; Mary Ellen Murach, as Executor of the Estate of Edward John Murach; Richard J. Murach; and Katharine Tynion

3. Defendants

The Defendants in this action are the following persons and entities: Islamic Republic of Iran; Ayatollah Ali Hoseini-Khamenei, Supreme Leader of Iran; Estate of Ali Akbar Hashemi Rafsanjani, Deceased, former Chairman of the Expediency Discernment Counsel and former President of Iran; The Iranian Ministry of Information and Security; The Islamic Revolutionary Guard Corps; The Iranian Ministry of Economic Affairs and Finance; The Iranian Ministry of Commerce; The Iranian Ministry of Defense and Armed Forces Logistics; The Iranian Ministry of Petroleum; The Central Bank of the Islamic Republic of Iran, National Iranian Oil Company; National Iranian Tanker Company; National Iranian Gas Company; National Iranian Petrochemical Company; Iran Airlines a/k/a Iran Air; and, (8) Hezbollah.

All of the *Ray* Defendants have been adjudged to be political or military subdivisions of Iran, and/or agencies and instrumentalities of Iran, and are therefore equivalent to Iran for purposes of this action. Both Ayatollah Ali Hoseini-Khamenei, Supreme Leader of Iran and the Estate of Ali Akbar Hashemi Rafsanjani, Deceased, former Chairman of the Expediency

Discernment Counsel and former President of Iran, have been adjudged as an “official, employee, or agent of [Iran] . . . acting with the scope of his or her office, employment, or agency” and therefore, Ayatollah Ali Hoseini-Khamenei and the Estate of Ali Akbar Hashemi Rafsanjani, Deceased, are legal equivalents to Defendant Iran for purposes of the FSIA which authorizes against a cause of action against them to the same extent as it does a cause of action against the “foreign state that is or was a state sponsor of terrorism” itself. 28 U.S.C. §1605A(c).

E. Nature and Purpose of the Proceedings

Ray, et al. v. Iran, et al. is a civil lawsuit commenced under the state sponsor of terrorism exception to sovereign immunity codified at 28 U.S.C. §1605A. The purpose is to hold responsible those foreign sovereigns, entities and persons responsible for planning, executing, and provided material support and assistance to al-Qaeda in carrying out the terrorist attacks of September 11, 2001, upon the United States.

Plaintiffs must serve the Second Amended Complaint and accompanying documents upon the eight (8) Iranian Defendants named in this Letters Rogatory.

F. Fees and Costs

Plaintiffs do not anticipate any fees and costs for service of the Second Amended Complaint and accompanying documents. Plaintiffs will reimburse the Islamic Republic of Iran for any reasonable copying costs and postage associated with service of the Second Amended Complaint and accompanying documents.

G. Reciprocity

This Court expresses its sincere willingness to provide similar assistance to the Islamic Republic of Iran, if future circumstances so require.

III. CONCLUSION

This Court, in the spirit of comity and reciprocity, hereby requests international judicial assistance in the form of this Letter Rogatory seeking service of Second Amended Complaint and accompanying service documents described herein, through the appropriate judicial authority of Iran.

Date: _____, 2020

/s/

The Honorable Sarah Netburn,
U.S. Magistrate Judge

By the authority of:

The Honorable George B. Daniels
United States District Court
for the Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 630
New York, New York 10007-1312

SEAL OF THE UNITED STATES
DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK: